

REMARKS

The application has been amended and is believed to be in condition for allowance.

The claim set has been amended without prejudice. No new matter is entered by way of these amendments. New claim 34 corresponds generally to claim 28 and is believed allowable for the same reasons as identified below with regard to claim 28.

Applicants acknowledge the Interview Summary mailed on April 28, 2010.

The substance of the interview was that the undersigned attorney described the nature of the invention, the disclosure found in the application and in the prior art. A review was made of remarks concerning four features of the invention. The Examiner suggested certain amendments to the claims. The claims have been amended in view of those suggestions.

Claim Rejections - 35 USC § 103

Claims 3-7, 10, 15, 26, and 28-33 were all rejected as obvious over Setogawa, EP 0898279 in view of Takahashi 5,966,495.

Claims 32-33 were further rejected in further view of Nonomura, US 5,915,067.

Traverse

Claim 28 recites, an object data file storing a first stream including video information or still picture information and a second stream including a plurality of menu information each of which is displayed in response to a user operation and

can select a reproduction point of the first stream or a change of reproduction condition of the first stream in response to the user operation.

Claim 28 also recites, a play list information storing a plurality of item information each of which specifies the first stream by a unit of an item and a plurality of sub item information each of which specifies the second stream by a unit of a sub item, wherein

(i) the item is one portion of the video information or the still picture information included in the first stream,

(ii) the sub item is one portion of the menu information included in the second steam, and

iii) the item information and the sub item information are control information which is used to reproduce the first and second streams.

Claim 28 recites that the plurality of item information and the plurality of sub item information are recorded in the play list information independently and separately from each other.

Claim 28 recites that the object data file and the play list information are recorded on the information recording medium independently and separately from each other,

Claim 28 recites that one menu information of the plurality of menu information specified by the sub item information is superimposed on a display of the first stream

during a reproduction of the first stream specified by the item information.

Finally, Claim 28 recites that the first stream and the second stream are recorded such that the reproduction of the video information or the still picture information included in the first stream which is reproduced before the display of the one menu information is continued, by controlling the first stream and the second stream independently and separately, during the one menu information being superimposed.

None of the references teach these features, either alone or together.

It is insufficient to merely identify a drawing figure that appears to superimpose menu information over video/still information. As discussed in the interview, such a drawing figure gives no insight as to any constituent streams, control of the constituent streams, or how the constituent streams are stored.

In order to show that a claim is anticipated or rendered obvious, the art must be shown to clearly teach or suggest each recited feature.

An examination of the recited features of the invention in comparison to the applied references will reveal that the invention's features are indeed neither taught nor suggested.

1. First Feature of the Invention

Setogawa and Takahashi do not disclose/teach the first

feature of the present invention such that "the reproduction of the video information or the still picture information included in the first stream which is reproduced before the display of the one menu information is kept, by controlling the first stream and the second stream independently and separately, during the one menu information is superimposed.

The Official Action has offered Setogawa, Scenel, Scene2, Next Page, Paragraph 0115, FIGs. 3, 4, 8, 10 for this feature.

Applicants respectfully disagree.

Figures 3-4 and 8, 10 show the relationship between menu information and video played in response to the selection of the menu information. Paragraph [0115] clearly describes this typical control scheme.

But there is no disclosure of the above-identified first feature of the invention.

More specifically, Setogawa does not disclose that (i) the reproduction of the background still picture information (i.e. the picture in which a rabbit runs into the house) is performed before the display of the menu (i.e. the menu buttons whose labels are "Scene 1", "Scene 2" and "Next Page") is started and (ii) the reproduction of the background still picture information, which has been reproduced before the display of the menu, is kept during the display of the menu (see Fig. 3 of Setogawa).

The same argument applies to Fig. 4 and so on of

Setogawa.

Similarly, Takahashi does not disclose the relationship between the reproduction of the still picture information (or the video information) and the reproduction of the menu at all.

Furthermore, in Setogawa, both of the video data 73 and the sub picture data 71 (i.e. the menu) are recorded in one cell 63 (see paragraph 76 and Fig. 9).

Therefore, in the case where (i) the first cell includes the first video and the first sub picture (first menu) and (ii) the second cell includes the second video and the second sub picture (second menu), if the display of the second menu is started when the first video is reproduced, the reproduction of the first video is stopped and then the reproduction of the second video is newly started.

Namely, in this case, the reproduction of the first video, which is reproduced before the display of the second menu, cannot be kept while the second menu is displayed, because the first video is not included in the second cell which includes the currently displayed second menu.

In addition, in Setogawa, although menu buttons are made up of still pictures (i.e. sub picture data 71) and synthesized into one picture with the moving picture (i.e., video data 73) as a background and the execution of the buttons allows the reproduction of the chapter (see paragraphs 76, 82 and 83 and Fig. 3), the cell 63 for reproducing the menu includes only the sub

picture data 71 as the button menu and the video data 73 as the background.

Thus, the reproduction of the video data 73 which has been reproduced before the display of the menu cannot be reproduced, because the cell 63 for reproducing the normal video, in which the video which has been reproduced is included, is different from the cell 63 for reproducing the menu.

In contrast, according to the present invention, (i) the reproduction of the video information or the still picture information is performed before the display of the one menu information and (ii) the reproduction of the video information or the still picture information, which has been reproduced before the display of the one menu information, is kept during the one menu information is superimposed.

Therefore, it is clear that the combination of Setogawa and Takahashi does not disclose the above first feature of the present invention.

The rejections should be withdrawn and the claims allowed.

However, should the Examiner not agree, Applicant would appreciate specific reasons why the above first feature is disclosed in Setogawa (and/or Takahashi). For example, which pages disclose the relationship between the background still picture information (i.e. the picture in which a rabbit runs into the house) and the display of the menu (i.e. the menu buttons

whose labels are "Scene 1", "Scene 2" and "Next Page")?

Consistent with KSR, Applicants respectfully request specific findings of fact. In performing this obviousness analysis, the Examiner is required to make findings of fact and must provide an articulated reasoning supporting the rejection. The Examiner's articulated reasoning in the rejection must possess a rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). The Supreme Court citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) stated that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

2. Second Feature of the Invention

The rejection acknowledges that Takahashi does not disclose that video and audio information items are recorded separately from each other. See Official Action page 3, lines 1-10 and the last paragraph of page 8.

The rejection states that "Setogawa does not teach specifically the claimed aspect of the object data file and the play list information being recorded on the information recording medium independently and separately from each other, however Takahashi discloses the claimed aspect, wherein information items which are recorded spatially separately from each other can be correctly joined and continuously reproduced. (Takahashi,

Summary)." (last paragraph of page 8).

The rejection's suggested joining and continuous reproduction of information items is not what is recited.

Whether the claimed feature of the invention is i) within the skill of the art to achieve, or ii) an obvious technique to employee, are two very different things.

The rejection of this feature fails.

Firstly, the entity information (i.e. video information and audio information in Takahashi) is different from the control information (i.e. search information and retrieve information in Takahashi).

More specifically, in the technical field of the recording medium such as DVD and Blu-ray Disc, it is well-known technical common knowledge that (i) the entity information is information which is actually reproduced, and (ii) the control information is information which is used to reproduce the entity information. Namely, it is well-known technical common knowledge that the entity information is distinguished from the control information because the type (characteristics) of the entity information is different from that of the control information.

Secondarily, the (i) the "item (i.e. the first stream, more specifically, the video information and the still picture information)" is not the same as the "item information" and the "sub item (i.e. the second stream, more specifically, the menu information)" is not the same as the "sub item information", (ii)

the "item and the sub item" are the entity information and (iii) the "item information" and the "sub item information" are the control information.

Claim 28 has been amended in this regard and now recites that (i) the item is one portion of the video information or the still picture information included in the first stream, (ii) the sub item is one portion of the menu information included in the second steam, and iii) the item information and the sub item information are control information which is used to reproduce the first and second streams.

Setogawa and Takahashi do not disclose the second feature of the present invention such that "the object data file (i.e. the entity information) and the play list information (i.e. the control information) is recorded independently and separately from each other".

Nor is there any motivation to use the technical approach for recording this information.

In this regard, the Summary of Takahashi merely discloses that there are two entity information (i.e. the video information and the audio information) and two control information (i.e. search information and retrieve information).

However, the Summary of Takahashi does not disclose that both of two entity information are recorded independently and separately from both of two control information at all.

Further, Summary of Takahashi does not disclose the specific recording aspect of both of two entity information and

both of two control information at all. In addition, Fig. 2(d) of Setogawa discloses that the entity information (i.e. video data / audio data) are recorded, as one data block (as one WORD) together with the control information (i.e. the ID data being the retrieval information). This disclosure absolutely goes against the rejection's suggestion.

Similarly, it is clear that Setogawa does not disclose the above second feature.

More specifically, Setogawa merely disclose that the object data (i.e. the video 73 and the sub picture 71) and the play list information (i.e. the control information for the object data, in particular, HLI 72) are included in the same cell (see Fig. 9). Therefore, Setogawa does not disclose that the entity information and the control information are recorded independently and separately from each other.

Therefore, it is clear that the combination of Setogawa and Takahashi also does not disclose the above second feature of the present invention.

The rejections should be withdrawn and the claims allowed.

However, should the Examiner not agree, Applicants request specific reasons why the above second feature is disclosed or rendered obvious by Setogawa and/or Takahashi.

Consistent with KSR, Applicants respectfully request specific findings of fact and an articulated reasoning supporting

the rejection including a rational underpinning to support the legal conclusion of obviousness. The present rejection is merely an unsupported conclusion and is therefore not viable.

3. Third Feature of the Invention

The combination of the Setogawa and Takahashi does not disclose the third feature of the present invention such as the "play list information which includes item information and the sub item information".

As noted above, Claim 28 has been amended in this regard and now recites that (i) the item is one portion of the video information or the still picture information included in the first stream, (ii) the sub item is one portion of the menu information included in the second steam, and iii) the item information and the sub item information are control information which is used to reproduce the first and second streams.

None of the references teach or suggest play list information in the form recited by claim 28.

Setogawa merely disclose the control information for the menu (i.e. HLI 72 for the sub picture 73) and does not disclose the control information for the moving picture as the background.

Therefore, Setogawa does not disclose the item information. Incidentally, since the menu buttons whose labels are "Scene 1", "Scene 2" and "Next Page" disclosed in Setogawa are actually displayed and do not specify the video data and menu, it is technically and literally clear that these buttons do not correspond to the "item information" and the "sub item

information".

In addition, Takahashi does not disclose the above third feature of the present invention.

Therefore, it is clear that the combination of Setogawa and Takahashi does not disclose the above third feature of the present invention.

Based on this feature neither being disclosed or suggested, the rejection should be withdrawn and the claims allowed.

As above, if the Examiner does not agree, Applicants request specific factual findings as to where the applied references teach/suggest the above third feature. For example, what components in Setogawa correspond to the "item information" and the "sub item information" and what pages discloses how these components in Setogawa specify the video data and the menu?

4. Fourth Feature of the Invention

The combination of the Setogawa and Takahashi does not disclose the fourth feature of the present invention such that "the plurality of item information and the plurality of sub item information being recorded in the play list information independently and separately from each other".

Again, Setogawa merely disclose the control information for the menu (i.e. HLI 72 for the sub picture 73) and does not disclose the control information for the moving picture as the

background. Therefore, Setogawa does not disclose the item information.

In addition, Takahashi does not disclose the above third feature of the present invention at all.

Accordingly, the combination of Setogawa and Takahashi does not disclose the above fourth feature of the present invention.

Based on this feature neither being disclosed or suggested, the rejection should be withdrawn and the claims allowed.

As above, if the Examiner does not agree, Applicants request specific factual findings as to where the applied references teach/suggest the above fourth feature. For example, what components in Setogawa correspond to the "item information" and the "sub item information" and what pages disclose the specific recording aspects of the "item information" and the "sub item information"?

Summary

Applicants have identified features of the invention neither disclosed nor suggested by the applied references. Thus, the obviousness rejection is not viable. Reconsideration and allowance of all the claims are respectfully requested.

The dependent claims are allowable at least for depending from an allowable claim. However, it is pointed out that Applicants believe the features of the dependent claims have not been shown to be all taught or suggested by the applied art.

Having addressed all of the issues raised in the Official Action, the present amendment is believed to be fully responsive.

Applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

Should there be any remaining outstanding issues, Applicants would appreciate that the undersigned attorney be telephonically contacted so that these issues can be resolved and the case be passed to allowance.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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